

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|-----------------------------|
| LEVI HOOVER, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Civil No. 5:23-cv-04630-JMG |
| | : | |
| BEACON CONTAINER CORPORATION, <i>et al.</i> , | : | |
| Defendants. | : | |

ORDER

AND NOW, this 23rd day of May 2024, upon consideration of the Amended Complaint (ECF No. 12), Defendant Beacon Container Corporation's Motion to Dismiss (ECF No. 14), and Plaintiff's Response to Motion to Dismiss (ECF No. 16), **IT IS HEREBY ORDERED** that the Motion (ECF No. 14) is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that the Hostile Work Environment and Discrimination claims based on Plaintiff's race, as they relate to Defendant Beacon Container Corporation, are **DISMISSED WITHOUT PREJUDICE**.¹

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge

¹ As noted by Defendant Beacon Container Corporation, Plaintiff misnumbered the claims in the Complaint. The dismissed claims are listed as III, IV, XI, and X in the Complaint. However, they are actually the III, IV, XI, and XII claims listed.